

REMARKS

Claims 25, 27-31 and 33-40 are currently pending in the above-identified application. In this response, Applicant has amended and added claims in an effort to more clearly define the invention and overcome the rejections set forth by the Examiner in the Office Action mailed February 7, 2006. Reconsideration of the above-identified application is hereby requested in view of the amendments presented herein and the following remarks.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Examiner has rejected claims 25-32 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserts that Applicant's use of the phrase "all internal circuitry" in claims 25 and 32 render claims 25, 32 and all claims dependant thereon indefinite because "it is not clear how many and what type of circuitry 'all internal circuitry' would comprise in the single housing."

In this response, claims 26 and 32 have been cancelled. With regard to the rest of the claims, Applicant has amended claim 25 to specifically require the single housing to enclose a smoke detector and a smoke detector control switch. Claims 27-31, by virtue of depending on claim 25 also require the single housing to enclose a smoke detector and a smoke detection control switch. In light of these amendments, Applicant submits that the § 112, ¶ 2 rejections have been overcome. As such, Applicant respectfully request withdrawal of the § 112, ¶ 2 rejections at the Examiner's earliest convenience.

REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner has rejected claims 25, 27 and 30 under 35 U.S.C. § 102(b) as being unpatentable over Pub. No. US 2001/0046815 A1 to Luu (hereinafter Luu). Reconsideration and withdrawal of this rejection is requested in view of the amendments to the above-referenced claims and the following discussion.

In order to anticipate claims 25, 27 and 30 under 35 U.S.C. § 102(b), Luu must teach each and every element present in the currently amended claims. With regard to claim 25, the Examiner notes that Luu teaches (1) a single housing enclosing internal circuitry (surge protector or circuit breaker); and (2) a smoke detector disposed within the single housing. However, the Examiner further notes that Luu **does not** disclose a smoke detection control switch. February 7, 2006 Action at ¶ 6. As amended, claim 25 now expressly requires the single housing to enclose a smoke detection control switch. Consequently, Luu does not teach each of the elements present in claim 25 and, therefore, does not anticipate claim 25. Thus, claim 25 is in condition for allowance.

With regard to claims 27 and 30, Applicant notes that claim 27 depends on claim 25 and claim 30 depends on claim 27. As such, each of claims 27 and 30 include the limitation of a single housing enclosing a smoke detection control switch. Likewise, each of newly presented claims 33-40 require the use of a single housing enclosing a smoke detector and a smoke detection control switch. Accordingly, claims 27, 30 and 33-40 are allowable for the same reason as discussed above.

In view of the foregoing discussion and the amendments made to the claims, Applicant submits that the § 102(b) rejections are overcome. Therefore, Applicant respectfully requests that the § 102(b) rejections be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(a)

I. Rejections based on Luu in view of Stark.

The Examiner has rejected claims 26, 28, 29 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Luu in view of Stark et al., U.S. Patent No. 5,625,345 (hereinafter Stark). Applicant initially notes that, in this response, claim 26 has been cancelled without prejudice. As indicated above, the smoke detection control switch disclosed in claim 26 has been incorporated by amendment to claim 25. Applicant respectfully traverses this rejection as it pertains to claims 28, 29 and 31. Reconsideration and withdrawal of this rejection is requested in view of the amendments to the above-referenced claims and the following discussion.

It is well established that a rejection based on a *prima facie* case of obviousness requires a finding that there exists some suggestion or motivation to combine the references relied upon. MPEP § 2142 (citations omitted). Such a finding cannot be made, however, where the teachings of the references themselves counsel against their combination. Consequently, the Federal Circuit has ruled that it is improper to combine references in making an obviousness rejection where the references teach away from their combination. See *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983); MPEP § 2145(X)(D)(2).

In the present matter, Applicant submits that the Examiner cannot properly combine the teachings of Luu with those of Stark because the references teach away from such a combination. Specifically, Stark discloses a device wherein devices coupled thereto receive power via a direct connection to a power outlet or battery. See Stark at FIGS. 3 and 7; see also *id.* at 5: 36-52 (discussing powering a smoke detector component via direct wiring to a power receptacle). By contrast, Luu discloses a method and various devices for providing electrical energy to

devices attached thereto via a battery or an A/C power outlet **without using prongs**. See Luu (Title).

According to Luu, the major deficiency in the prior art was the need to employ a direct (direct wiring or wire with prongs) connection to a power receptacle. See Luu at [0005]-[0006]. Thus, the sole objective of Luu is to provide power to electrical devices via an *indirect* (without direct wiring or prongs) connection to a power receptacle. *Id.* at [0008]. In other words, Luu expressly excludes the use of a direct electrical connection to a power receptacle as a means for powering devices attached to his invention. Thus, teachings of Stark are in direct conflict with Luu's objective. As such, one of skill in the art would not be motivated to combine the two, making it improper to rely on their combination to reject the above-referenced claims under 35 U.S.C. § 103(a). See *In re Grasselli*, 713 F.2d at 744 (explaining that a first reference teaching the interchangeability of antimony and alkali metal in a catalyst was not properly combinable with a second reference expressly excluding antimony from, and adding iron to, a catalyst because the omission of antimony was inconsistent with the express objective of the first reference). For this reason alone, claims 28, 29 and 31 are allowable.

In addition, however, even if Luu could properly be combined with Stark, such a combination does not render any of the present claims, as amended in this response, obvious. In order to establish a *prima facie* case of obviousness, the Examiner must also show that all limitations of the rejected claims are taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); MPEP § 2143.03.

In the present application, claims 28 and 29 depend from independent claim 25. Claim 31 depends from claim 27, which also depends on claim 25. Thus, each of claims 28, 29 and 31 include each of the limitations now claimed in claim 25. As discussed above, in this response, claim 25 has been amended to incorporate the smoke detection control switch limitation of claim 26. Claim 25 now expressly requires the power strip to be comprised of a single housing enclosing a smoke detector and a smoke detection switch. Such a combination is not taught by a combination of Luu and Stark.

According to the Examiner, Luu discloses a single housing enclosing a smoke detector and internal circuitry, but not a smoke detection control switch. February 7, 2006 Office Action at p. 3, ¶ 7. The Examiner further states that Stark teaches a smoke detection control switch, but not a single housing enclosing a smoke detector and internal circuitry. *Id.* at p. 4, ¶ 1; *Id.* at p. 6, ¶ 1. Significantly, however, neither Stark nor Luu disclose **a single housing enclosing a smoke detection control switch**, as now required in independent claim 25. As a result, the combination of Luu and Stark, even if they could be properly combined, does not teach all of the elements of independent claim 25. Therefore, claim 25 and all claims dependent thereon are not rendered obvious by a combination of Luu and Stark. Accordingly, claim 25 and all claims depending therefrom are allowable.

II. Rejections based on Stark in view of Luu.

The Examiner has rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Stark in view of Luu. In this response, claim 32 has been cancelled without prejudice. However, Applicant has added new claims 39 and 40, which are similar to claim 32. The step limitations of new claims 39 and 40, similar to amended claim 25, however, expressly require the

person practicing the method to employ a power strip having a single housing enclosing a smoke detector and a smoke detection control switch. As discussed above, neither Stark nor Luu, alone or in combination (assuming it was proper to combine them- which Applicant does not concede) teach the element of a single housing enclosing a smoke detector and a smoke detection control switch. Therefore, claims 39 and 40 are allowable for the same reasons as discussed above in reference to the Examiners § 103 rejections based on Luu in view of Stark.

In view of the foregoing discussion and the amendments made to the claims, Applicant submits that the § 103(a) rejections are overcome. Therefore, Applicant respectfully requests that the § 103(a) rejections be withdrawn.

Finally, regarding new claim 34-38, Applicant notes that each claim requires the power strip to include a power cord having a first end equipped with one or more prongs for connecting to a power outlet and a second end electrically coupled to a power source within the single housing. Neither Luu nor Stark, alone or in combination (again, assuming that such a combination were proper, which Applicant does not concede) teach the use of a power cord as described in claims 34-38. As such, claims 34-38 are allowable.

CONCLUSION

In view of the foregoing Remarks, the amendments made to the claims and the new claims submitted herewith, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,



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